

**A RESOLUTION BY
TRANSPORTATION COMMITTEE**

06-*R*-1312

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES WITH S&ME, INC., ENGINEERING TESTING ENVIRONMENT SERVICES, FOR THE INSTALLATION OF AN UNDERGROUND MONITORING WELL FOR SOIL TESTING, LOCATED ON THE WEST CURB FACE OF PIEDMONT AVENUE, ABUTTING 1 MARTIN LUTHER KING JR. DRIVE, FULTON COUNTY, GEORGIA, THE GEORGIA BUILDING AUTHORITY; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Environmental Facilities Authority has issued a mandate to perform a technical review of Georgia Building Authority facilities per Georgia Rule of Underground Storage Tank Management; and

WHEREAS, S&ME, Inc. ("S&ME") has been contracted by the state to perform this review desires to install an underground monitoring well for soil testing for a period of three (3) years, on the West curb face of Piedmont Avenue, abutting the Georgia Building Authority, 1 Martin Luther King Jr. Drive, Fulton County, Georgia, ("encroachment area"); and

WHEREAS, the underground monitoring well, or portions thereof or attachments thereto, will encroach onto the public right-of-way surrounding the encroachment area; and

WHEREAS, the Department of Public Works will facilitate the installation of the encroachments by providing lane closures during the installation of the monitoring devices below the sidewalk in the City of Atlanta's right-of-way; and

WHEREAS, the City's Code of Ordinances (Section 138-22) requires a nonconforming encroachment agreement for structures that encroach into public right-of-way and for which there is not an applicable agreement; and

WHEREAS, the Department of Public Works have reviewed the plans for the encroachments and determined that the plans meet the appropriate technical requirements; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for the right-of-way encroachment and has determined the work will not adversely impact the ability of the affected rights-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVED, that the Mayor is authorized to enter into an Encroachment Agreement for nonconforming uses, as outlined in Section 138, Article II, of the City's Code of

Ordinances, with S&ME, Inc., contracted by the State of Georgia, for the installation of an underground monitoring well for soil testing.

BE IT FURTHER RESOLVED, that the placement of the underground monitoring well is on the West curb face of Piedmont Avenue, abutting the Georgia Building Authority, 1 Martin Luther King Jr. Drive, Fulton County, Georgia.

BE IT FURTHER RESOLVED, the monitoring period will be three (3) years.

BE IT FURTHER RESOLVED that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED that the Agreement will not become binding upon the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to S&ME, Inc.